



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable

Case no: 120/2017

In the matter between:

MANGAUNG METROPOLITAN MUNICIPALITY

Applicant

and

IMATU OBO CAVIN DOLPHIN

First Respondent

SELLO MOPHAKINO

Second Respondent

SOUTH AFRICAN LOCAL GOVERNMENT

Third Respondent

BARGAINING COUNCIL

Decided: In Chambers

Delivered: October 2019

JUDGMENT- APPLICATION FOR LEAVE TO APPEAL

NTSHEBE, AJ

[1] In this application, the applicant seeks leave to appeal an order in respect of a judgment handed down by this Court on 22 May 2019.

- [2] In the judgment, the condonation application in respect of the rescission application was dismissed with no order as to costs.
- [3] I have perused the grounds for leave to appeal as submitted by the applicant. I do not intend to deal with each of the grounds of appeal separately.
- [4] The test for granting leave to appeal requires the court to be satisfied that there is more than simply a possibility that another court may decide the matter differently¹. In order to succeed with its application for leave to appeal, an applicant must convince the court that there is a reasonable prospect that another court would come to a different conclusion to that of the court *a quo*.
- [5] In my view after careful consideration of the applicant's stated grounds for leave to appeal and the test regarding the application for leave to appeal, there is nothing that persuades me that any appeal would have a reasonable prospect of success.
- [6] There are no other compelling reasons why leave to appeal should be granted.
- [7] Therefore, I make the following order:

Order:

1. The application for leave to appeal is dismissed.

T. Ntshebe
Acting Judge of the Labour Court of South Africa

¹ See: *Gxolo v Harmony Gold Mine (Pty) Ltd and Another* [2018] 8 BLLR 794 (LC).

LABOUR COURT